IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24613 of 2004

Between:

Md. Ikramuddin, S/o. Kareemuddin,
R/o. RTC Colony, Jangaon, Warangal District.

..... PETITIONER

AND

1 The Regional Manager, A.P.S.R.T.C. Warangal Region, Warangal

District.
2 The Depot Manager, A.P.S.R.T.C. Jangaon Depot, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in issuing the proceedings dt. 19-10-2004, deducting the salary of the petitioner's salary without any notice as wholly illegal, arbitrary, unjust and consequently SET ASIDE the proceedings dt. 19-10-2004 issued by the 2nd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.P.RAJANI REDDY (S.C. for APSRTC).

The Court, at the stage of admission, made the following :

THE HON'BLE SRI JUSTICE K.C.BHANU

Writ Petition No.24613 of 2004

ORDER:

The Writ Petition is filed challenging the impugned proceedings dated 19-10-2004 issued by the 2nd respondent.

The order under challenge discloses that as per audit objection, 2001, the Accounts Officer, Warangal, has certified the excess paid wages on account of wrong fixation of the petitioner during his fixation as ADC with effect from 01-07-1991 for an amount of Rs.27,972/-, which has to be recovered from his salary. Admittedly, impugned proceedings do not show that preceding it an opportunity was given to the petitioner. The pay fixation as pointed out by the audit has to be put to the notice of the Writ petitioner calling for his explanation. No such explanation is called for. It is not a case where the petitioner himself wrongly fixed the pay and drawn the amount and therefore in the fairness the writ petitioner should have given a reasonable opportunity to put forward his case and thereafter appropriate orders should have passed by the respondents.

Accordingly, the Writ Petition is allowed and the impugned proceedings dated 19-10-2004 are set aside. However, this order will not preclude the respondents to recover the amounts in view of the wrong fixation of the pay after affording a reasonable opportunity to the writ petitioner. No costs.

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K.C.BHANU, J.

Dated 31-12-2004.

skmr

To

1 The Regional Manager, A.P.S.R.T.C. Warangal Region, Warangal

District.
2 The Depot Manager, A.P.S.R.T.C. Jangaon Depot, Warangal District.

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